

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv406**

BILLY RAY JORDAN,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
INTERSTATE ROAD MANAGEMENT)	
CORP.,)	
)	
Defendant.)	
)	

THIS MATTER is before the court on defendants' Motion to Continue (#14).

While good cause has been shown for Mr. Thompson to not appear for the hearing, the court believes that substantive, dispositive issues concerning the Complaint and the withdrawal of counsel will not be reached at the hearing. Instead, the court proposes addressing two issues:

- (1) whether the Complaint should be amended to clearly set forth the Title VII claims asserted; and
- (2) whether counsel for plaintiff should be allowed to withdraw.

The court's hesitation in allowing withdrawal at this point is the Complaint which counsel drafted -- withdrawal would clearly shift the responsibility from Counsel to

this court to protect the interests of plaintiff. The court believes that such may well be remedied by a Complaint that, in separately stated causes of action, asserts claims which Counsel believes under Rule 11 are supported by current case law or a good faith argument for extension of the law. Those issues will not require the assistance of Mr. Thompson and can be addressed by present counsel for plaintiff as well as local counsel for defendant.

ORDER

IT IS, THEREFORE, ORDERED that the defendants' Motion to Continue (#14) is **DENIED**, but Mr. Thompson is **RELIEVED** of the requirement that he appear at such hearing and defendant may appear through local counsel. Counsel for plaintiff is encouraged to draft a proposed amended Complaint in advance of such hearing, which may go far in consideration of his motion for leave to withdraw.

Signed: October 21, 2008

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

